

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:03CR290
	)	
v.	)	
	)	
RASHAD MCKAY, also known as	)	ORDER
RASHOD MCKAY,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the Court on defendant's motion for sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) (Filing No. [389](#)), his motion for leave to proceed *in forma pauperis* (Filing No. [391](#)), his motion for appointment of counsel (Filing No. [332](#)). As defendant has no appeals pending, the motion for leave to proceed *in forma pauperis* will be denied as moot. The motion for appointment of counsel will also be denied.

Pursuant to the retroactive amendment to the cocaine base guidelines, the defendant's final offense level is reduced from 36 to 34. His criminal history category remains at IV. The Court finds that his sentence should be reduced to one hundred sixty-eight (168) months imprisonment, considering the prior computation of specific offense characteristics, adjustments, and departures. Accordingly,

IT IS ORDERED:

1) Said motion to reduce sentence is granted; the sentence of the defendant is reduced to one hundred sixty-eight (168) months. He shall receive credit for time served.

2) The conditions of supervised release entered in the original judgment and committal order remain in full force and effect.

3) Defendant's motion for leave to proceed *in forma pauperis* is denied as moot.

4) Defendant's motion for appointment of counsel is denied.

DATED this 1st day of February, 2010.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court